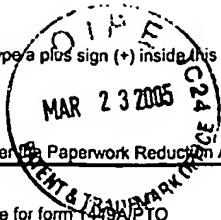


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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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		Application Number	10/693,837		
		Filing Date	October 23, 2003		
		First Named Inventor	BYRD, EDWARD A.		
		Group Art Unit	1615		
		Examiner Name			
Sheet	1	6	1	Attorney Docket Number	MRIN-010

U.S. PATENT DOCUMENTS						
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	U.S. Patent Documents		Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, columns, lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
JV		6,197,340		Byrd et al.	03-06-2001	

FOREIGN PATENT DOCUMENTS							
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Documents			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			

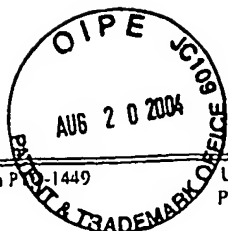
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Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

Examiner Signature	/Jake Vu/	Date Considered	01/05/2007
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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PATENT AND TRADEMARK OFFICEINFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Attorney Docket	MRIN-001 CIP2
First Named Inventor	Edward A. Byrd
Application Number	Unassigned
Filing Date	January 5, 2001
Group Art Unit	Unassigned

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EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
JV	AA	3,577,551	05/04/71	Murakami et al.			
	AB	4,705,867	11/10/87	Giray et al.			
	AC	4,800,044	01/24/89	Giray et al.			
	AD	4,966,732	10/30/90	Giray et al.			
	AE	5,334,612	08/02/94	Kalden et al.			
	AF	5,376,382	12/27/94	Goede et al.			
	AG	5,455,264	10/03/95	Beisswenger et al.			
	AH	5,505,962	05/09/96	Sparks			
	AI	5,527,539	06/18/96	Sarlikiotis et al.			
	AH	5,532,269	07/02/96	Koltringer			
	AI	5,569,670	10/29/96	Weischer et al.			
	AJ	5,599,835	02/04/97	Fischer			
	AK	5,616,345	05/01/07	Geoghegan et al.			
	AL	5,637,320	06/10/97	Bourke et al.			
	AM	5,641,515	06/24/97	Ramtoola			
	AN	5,641,745	06/24/97	Ramtoola			
	AO	5,650,429	07/22/97	Conrad et al.			
	AP	5,691,379	11/25/97	Ulrich et al.			
	AQ	5,693,664	12/02/97	Wessel et al.			
	AR	5,705,192	01/06/98	Bethge et al.			
	AS	5,728,735	03/17/98	Ulrich et al.			
V	AT	5,730,988	03/24/98	Womack			

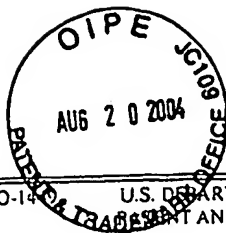
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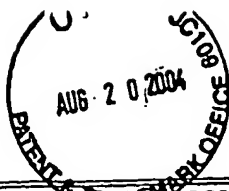
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STATEMENT BY APPLICANT

Attorney Docket	MRIN-001CIP2
First Named Inventor	Edward A. Byrd
Application Number	Unassigned
Filing Date	January 5, 2001
Group Art Unit	Unassigned

AU	5,827,643	10/27/98	Conrad et al.					
FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION								
EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
JV	AV	WO 98/57627	12/23/98	PCT				
	AW	0 159 519	02/04/87	Europe				
	AX	0 702 953 A2	08/17/95	Europe				
	AY	0 712 574 A2	10/31/96	Europe				
	AZ	0 733 363 A1	03/09/96	Europe				
	BA	1 668 887	07/01/71	Germany				
	BB	36 29 116 A1	03/10/88	Germany				
	BC	42 20 851 A1	01/07/93	Germany				
	BD	43 17 646 A1	12/01/94	Germany				
	BE	43 38 508 A1	05/18/95	Germany				
	BF	43 43 592 A1	06/22/95	Germany				
	BG	43 43 647 A1	06/22/95	Germany				
	BH	44 00 269 A1	07/13/95	Germany				
	BI	44 47 599 A1	07/04/96	Germany				
	BJ	60-184011(A)	09/19/85	Japan				
OTHER DOCUMENTS (including Author, Date, Place of Publication)								
	BK	Armstrong et al., <i>Free Radical Biology and Chemistry</i> , (1996) 21(5):719-726						
	BL	Barbiroli et al., <i>J Neurol</i> , (1995) 242:472-477						
	BM	Baur et al., <i>Klin Wochenschr</i> , (1991) 69:722-724						
	BN	Bilich et al., <i>I-Pharmacodynamics</i> , (1978) 88:93						

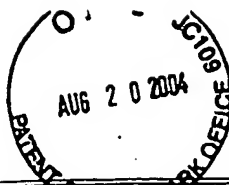
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	First Named Inventor	Edward A. Byrd
	Application Number	Unassigned
	Filing Date	January 5, 2001
	Group Art Unit	Unassigned

JV	BO	Black et al., <i>Clinical and Experimental Pharmacology and Physiology</i> , (1998) 25:712-714
	BP	Bloomgarden, <i>Diabetes Care</i> , (April 1997) 20(4):670-673
	BQ	Burkart et al., <i>Agents Actions</i> , (1993) 38:60-65
	BR	Busse et al., <i>Arzneim-Forsch/Drug Research</i> (1992) 42(6):829-831
	BS	Bustamante et al., <i>Free Radical Biology and Medicine</i> , (1998) 24(6):1023-1039
	BT	Carreau, <i>Methods in Enzymology</i> , (1979) 62:152-158
	BU	Cesolari et al., <i>Rev Exp Enf Ap Digest</i> , (1988) 73(3) 229-232
	BV	Chen et al., <i>Archives of Biochemistry and Biophysics</i> , (1997) 338(2):165-172
	BW	Devasgayam et al., <i>Chem-Biol Interactions</i> , (1993) 86:79-92
	BX	Dimpfel et al., <i>Dev Pharmacol Ther</i> , (1990) 14:193-199
	BY	Egan et al., <i>Prostaglandins</i> , (1978) 16(6):861-869
	BZ	Estrada et al., <i>Diabetes</i> , (December 1996) 45:1798-1804
	CA	Faust et al., <i>J. Immunopharmac</i> , (1994) 16(1):61-66
	CB	Fuchs et al., <i>Skin Pharmacol</i> , (1994) 7:278-284
	CC	Gandhi et al., <i>J Biosci</i> , (September 1985) 9 (1 & 2):117-127
	CD	Garrett et al., <i>Neuroscience Letters</i> , (1997) 222:191-194
	CE	Gerbitz et al., <i>Diabetes</i> , (February 1996) 45:113-126
	CF	Hammarqvist et al., <i>Crit Care Med</i> , (1997) 25(1):78-84
	CG	Haugaard et al., <i>Biochem Biophys Acta</i> , (1970) 222:583-586
	CH	Henricksen et al., <i>American Physiological Society</i> , (1990) C648-C653
	CI	Henricksen et al., <i>Life Sciences</i> , (1997) 61(8):805-812
	CJ	Hofmann et al., <i>Archives of Biochemistry and Biophysics</i> , (1995) 324(1):85-92
	CK	Jacob et al., <i>Diabetes</i> , (1995) 245-250
	CL	Jacob et al., <i>Diabetes</i> , (August 1996) 45:1024-1029
V	CM	Kagan et al., <i>Biochemical Pharmacology</i> , (1992) 44(8):1637-1649

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Substitute Form PTO-1449 DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Attorney Docket	MRIN-001CIP2
	First Named Inventor	Edward A. Byrd
	Application Number	Unassigned
	Filing Date	January 5, 2001
	Group Art Unit	Unassigned

JV	CN	Kagan et al., <i>Journal of Lipid Research</i> , (1992) 33:385-397
	CO	Kagan et al., <i>Free Rad Res Comms</i> , (1991) 15(5):265-276
	CP	Khamaisi et al., <i>Metabolism</i> , (July 1997) 45(7):763-768
	CQ	Lavis et al., <i>The Journal of Biologic Chemistry</i> , (January 10, 1970) 245(1):23-31
	CR	Lodge et al., <i>Journal of Applied Nutrition</i> , (1997) 49 (1 & 2):3-11
	CS	Lodge et al., <i>Free Radical Biology &amp; Medicine</i> , (1998) 25(3):287-297
	CT	Matsugo et al., <i>Biochemistry and Molecular Biology International</i> , (October 1995) 37(2):375-383
	CU	Merin et al., <i>FEBS Letters</i> , (1996) 294:9-13
	CV	Muller et al., <i>Toxicology</i> , (1989) 58:175-185
	CW	Muller et al., <i>Biochimica et Biophysica Acta</i> , (1990) 1052:386-389
	CX	Muller et al., <i>Journal of Cerebral Blood Flow and Metabolism</i> , (1995) 15:624-630
	CY	Nagamatsu et al., <i>Diabetes Care</i> , (1995) 18(8):1160-1167
	CZ	National Diabetes Data Group Classification and Diagnosis of Diabetes Mellitus and Other Categories of Glucose Intolerance, <i>Diabetes</i> (1979) 28:1039-1057
	DA	Natraj et al., <i>J. Biosci</i> , (1984) 6(1):38-46
	DB	Nickander et al., <i>Free Radical Biology &amp; Medicine</i> (1996) 21(5):631-639
	DC	Ohmori et al., <i>Japan J. Pharmacol</i> , (1986) 42:275-2
	DD	Ohmori et al., <i>Japan J. Pharmacol</i> , (1986) 42:135-140
	DE	Ou et al., <i>Free Rad Res</i> , (1996) 25(4):337-346
	DF	Ou et al., <i>Biochemical Pharmacology</i> , (1995) 50(1):123-126
	DG	Packer et al., <i>Free Radical Biology &amp; Medicine</i> , (1997) 22(1/2):359-378
	DH	Packer et al., <i>Free Radical Biology &amp; Medicine</i> , (1995) 19(2):227-250
	DI	Packer, <i>Diabetologica</i> , (1993) 36:1212-1213
	DJ	Pascoe et al., <i>Free Radical Biology &amp; Medicine</i> , (1989) 6:209-224
	DK	Peinado et al., <i>Archives of Biochemistry and Biophysics</i> , (September 1989) 273(2):389-395

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Page 3 of 6

Substitute Form PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney Docket	MRIN-001CIP2
First Named Inventor	Edward A. Byrd
Application Number	Unassigned
Filing Date	January 5, 2001
Group Art Unit	Unassigned

JV	DL	Podda et al., <i>Biochemical Pharmacology</i> , (1996) 52:627-633
	DM	Prehn et al., <i>Journal of Cerebral Blood Flow and Metabolism</i> (1992) 12:78-87
	DN	Reed et al., <i>Science</i> , (1951) 93-94
	DO	Roy et al., <i>Biochemical Pharmacology</i> , (1997) 53:393-399
	DP	Scheer et al., <i>Archives of Biochemistry and Biophysics</i> , (May 1, 1993) 302(2):385-390
	DQ	Schmid et al., <i>FASEB Journal</i> , (July 1998) 12:863-870
	DR	Schonheit et al., <i>Biochimica et Biophysica Acta</i> , (1995) 1271:335-342
	DS	Segermann et al., <i>Arzneim.-Forsch./Drug Res.</i> , (1991) 41(12):1294-1298
	DT	Sen et al., <i>The FASEB Journal</i> , (May 1996) 10:709-720
	DU	Sen et al., <i>Free Radical Biology &amp; Medicine</i> , (1997) 22(7):1241-1257
	DV	Sen et al., <i>Biochemical and Biophysical Research Communications</i> (1998) 247:223-228
	DW	Simopoulos, <i>Nutrition Today</i> , (January/February 1994) 12-16
	DX	Stoll et al., <i>Pharmacology Biochemistry and Behavior</i> , (1993) 46:799-805
	DY	Streeter et al., <i>American Physiological Society</i> , (1997) 273(1):E185-E191
	DZ	Sumathi et al., <i>Jpn J Med Sci Biol</i> , (1996) 49:39-48
	EA	Suzuki et al., <i>Free Rad Res Comm</i> , (1992) 17(3):211-217
	EB	Suzuki et al., <i>Biochemical and Biophysical Research Communications</i> , (December 1992) 189(3):1709-1715
	EC	Suzuki et al., <i>Free Rad Res Comm</i> , (1991) 15(5) 255-263
	ED	Szabo et al., <i>Klin Wochenschr</i> , (1986) 64(Suppl. VII):116-122
	EE	Teichert et al., <i>Methods in Enzymology</i> , (1997) Vol. 279
	EF	Wagh et al., <i>J. Biosci</i> , (March 1987) 11(1):59-74
	EG	Wagh et al., <i>J. Biosci</i> , (June 1986) 10(2):171-179
	EH	Wagner et al., <i>Properties and Derivatives of <math>\alpha</math>-Lipoic Acid</i> , (Oct. 5, 1956) 5079-5081
	EI	Wickramasinghe et al., <i>Biochemical Pharmacology</i> , (1992) 43(3) 407-411
	EJ	Witt et al., <i>Journal of Chromatography B</i> , (1998) 705:127-131

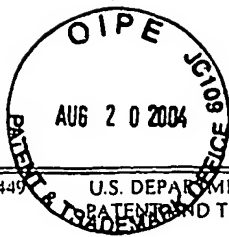
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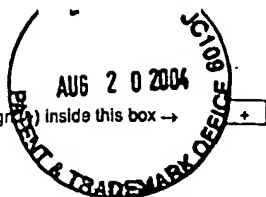
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	First Named Inventor	Edward A. Byrd
	Application Number	Unassigned
	Filing Date	January 5, 2001
	Group Art Unit	Unassigned

JV	EK	Wolz et al., <i>Neruopharmacology</i> , (1996) 35(3):369-375
↓	EL	Ziegler et al., <i>Deutsche Medizinische Wochenschrift</i> , (July 1, 1988) 113(26):1071-1074
↓	EM	Ziegler et al., <i>Diabetologia</i> , (1995) 38:1425-1433
↓	EN	Zimmer et al., <i>J Mol Cell Cardiol</i> , (1995) 27:1895-1903

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EXAMINER	/Jake Vu/	DATE CONSIDERED	01/05/2007
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		Application Number	10/693,837
		Filing Date	October 23, 2003
		First Named Inventor	BYRD, EDWARD A.
		Group Art Unit	1615
		Examiner Name	
Sheet	1 of 1	Attorney Docket Number	MRIN-010

U.S. PATENT DOCUMENTS						
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		Number	Kind Code <sup>2</sup> (if known)			

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
JV		EVANS et al., "Pharmacokinetics, Tolerability, and Fructosamine-Lowering Effect of a Novel, Controlled-Release Formulation of α-Lipoic Acid" <i>Endocrine Practice</i> 8(1):29-35 (January/February 2002)	

Examiner Signature	/Jake Vu/	Date Considered	01/05/2007
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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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# Notice of References Cited

Application/Control No.

09/755,890

Applicant(s)/Patent Under  
Reexamination  
BYRD, EDWARD A.

Examiner

Charesse L. Evans

Art Unit

1615

Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
JV	A	US-6,197,340	03-2001	Byrd et al.	424/400
	B	US-			
	C	US-			
	D	US-			
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	M	US-			

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Charesse L. Evans

Art Unit

1615

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	C	US-			
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	F	US-			
	G	US-			
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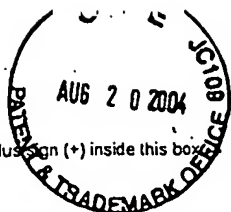
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	X	/Jake Vu/ 01/05/2007

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	09/755,890
		Filing Date	January 5, 2001
		First Named Inventor	Edward A. Byrd
		Group Art Unit	1615
		Examiner Name	Charesse L. Evans
Sheet	1	Attorney Docket Number	MRIN001CIP2

U.S. PATENT DOCUMENTS						
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	U.S. Patent Documents		Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, columns, lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
JV	AA	4520009		James M. Dunn	05-28-1985	
JV	AB	4,461,759		James M. Dunn	07-24-1984	

FOREIGN PATENT DOCUMENTS								
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Documents			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS					
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Examiner Signature	/Jake Vu/	Date Considered	01/05/2007
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<sup>2</sup>Unique citation designation number. <sup>3</sup>Applicant is to place a check mark here if English language Translation is attached.

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